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Paper No. 9

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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AUG 1 9 2002

OFFICE OF PETITIONS

In re Application of	:	
William Michael Bondy, Wesley Stuart Jones,	:	
Shmuel Silverman, Bruce Martin Wiatrak,	:	
Raymond M. Liss, Timothy L. Moran, Howard	:	
Nodell, and Robert Gerald Hug	:	DECISION VACATING PREVIOUS
Application No. 09/827,224	:	DEICION, NOTING JOINDER OF
Filed: April 5, 2001	:	INVENTOR, AND DISMISSING
Attorney Docket No. CE08166R	:	PETITION UNDER 37 CFR 1.47(a) AS
Title: COMMUNICATION NETWORK	:	MOOT
WITH A COLLECTION GATEWAY AND	:	
METHOD FOR PROVIDING	:	
SURVEILLANCE SERVICES	:	

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, filed April 11, 2002.

The above-identified application was filed on April 5, 2001, identifying William Michael Bondy, Wesley Stuart Jones, Shmuel Silverman, Bruce Martin Wiatrak, Raymond M. Liss, Timothy L. Moran, Howard Nodell, and Robert Gerald Hug as joint-inventors. On May 14, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63² and a surcharge for This Notice set a two-month period for reply.

In reply, the applicant filed the original petition³, along with a declaration of Karen Kass (an

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that diligent efforts have been made to locate the non-signing inventor
- (5) a declaration which complies with 37 CFR §1.63.

² The oath or declaration was not signed by inventor Moran.

³ The original petition was filed on August 20, 2001.

administrative assistant in the law department of the purported assignee).

This petition was dismissed in a decision mailed on February 13, 2002, for failure to meet the fifth requirement above. The submitted declaration had several deficiencies.

That same day, a response was received. Though it was not realized at the time, this response contained a certificate of mailing dated January 30, 2002 (which predates the mailing of the decision on the original petition), and bears an attorney docket number which does not match with the instant application. As pointed out by the petitioner in a phone conversation, it appears that the wrong response was filed.

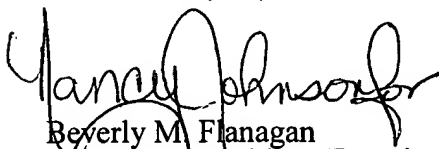
On April 11, 2002, petitioner filed the intended response to the decision mailed February 13, 2002. With this renewed petition, petitioner submitted a declaration which contains the signature of the previously non-signing inventor, thus proposing joinder of the formerly non-signing inventor.

Consequently, the renewed petition is **DISMISSED AS MOOT**, and the decision mailed on July 1, 2002, is hereby **VACATED**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

The application file is being forwarded to the Office of Initial Patent Examination to complete processing of the application.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy